

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 3:16-CV-656-GCM

MICHAEL TINSLEY,

Plaintiff,

v.

CITY OF CHARLOTTE

Defendant.

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's Second Motion to Produce and for Costs (Doc. No. 24). The Court has already granted Plaintiff's Motion to Produce. The Court ordered Plaintiff's attorney to provide an accounting of time spent in this matter, and Plaintiff has accordingly requested \$2,080.00 from 5.20 hours of work.

Under Fed. R. Civ. P. 37(a)(5)(A), the Court must order a payment of reasonable attorney's fees unless the movant failed to first attempt in good faith to obtain the discovery, the nondisclosure was substantially justified, or other circumstances make an award unjust.

Here, Plaintiff had previously moved to compel and received relief from the Court on August 8, 2017. However, Defendant did not comply by providing access to the personnel files of the twenty-eight named employees, requiring Plaintiff to file a Second Motion to Compel. Finding the conditions of Rule 37(a)(5)(A) to be met and that the amount requested is reasonable, the Court hereby GRANTS Plaintiff's Motion for Costs.

Defendant is hereby ordered to pay \$2,080.00 to Plaintiff.

**SO ORDERED.**

Signed: December 19, 2017



Graham C. Mullen  
United States District Judge

